UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/743,970	12/23/2003	Gino Tanghe	920522-95345	9404

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EXAMINER
HOLTON, STEVEN E

ART UNIT	PAPER NUMBER
2629	

NOTIFICATION DATE	DELIVERY MODE
05/04/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

Patent-ch@btlaw.com

Advisory Action **Before the Filing of an Appeal Brief**	Application No.	Applicant(s)
	10/743,970	TANGHE ET AL.
	Examiner	Art Unit	
	Steven E. Holton	2629	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED <u>06 April 2009</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

   a) ☒ The period for reply expires <u>4</u> months from the mailing date of the final rejection.

   b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

     Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

<u>NOTICE OF APPEAL</u>

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

<u>AMENDMENTS</u>

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because

   (a)☐ They raise new issues that would require further consideration and/or search (see NOTE below);

   (b)☐ They raise the issue of new matter (see NOTE below);

   (c)☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d)☐ They present additional claims without canceling a corresponding number of finally rejected claims.

     NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: _____.

   Claim(s) objected to: _____.

   Claim(s) rejected: <u>1-18,20 and 23-26</u>.

   Claim(s) withdrawn from consideration: _____.

<u>AFFIDAVIT OR OTHER EVIDENCE</u>

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

<u>REQUEST FOR RECONSIDERATION/OTHER</u>

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.

12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____

13. ☒ Other: <u>See Continuation Sheet</u>.

/Bipin Shalwala/
Supervisory Patent Examiner, Art Unit 2629

Continuation of 13. Other: The Applicant has provided multiple points of argument regarding the applied pior art references and interpretations of the claim language.

Regarding the arguments against the rejection (heading 2) the primary argument presented by the Applicant is Someya does not disclose features of the claimed invention because the CRT of Someya is not an emissive display device.

The Examiner respecfully disagrees.

Cathode Ray Tube (CRT) displays are commonly classified as emissive type display devices along with other types of emissive display devices such as plasma displays (PDPs), organic light emitting diodes (OLEDs), and other types of emissive displays. The technical differences between the addressing schemes of matrix addressed emissive displays, such as PDPs and OLEDs, and non-matrix displays like CRTs are recognized by those of ordinary skill in the art, but CRT devices are still considered emissive type displays. The electron beam from the CRT electron gun is used to excite colored phosphors that then emit visible light. Thus, a CRT is an emissive display. The Examiner presents Eida et al. (USPN: 6,137,459) as providing a list of some known emissive type displays (Eida et al. col. 1, lines 18-23) that reinforces the Examiner's position that a CRT is an emissive display device. By finding that a CRT is an emissive display the Applicant's further arguments against Someya are moot because they rely on a CRT not being an emissive type of display. Someya divides a single CRT emissive display into a set of blocks, then corrects the blocks to a matched luminance value for a single CRT (core), then each of the cores are matched to each other to produce a display device having a matched luminance output (Someya; col. 5, lines 9-37). Therefore, the Examiner finds that Someya does teach setting an emissive display to optimize a first subdivision to a target value (matching all of the blocks of a single core to a specific value) and then optimizing the subdivisions to a target value (setting each of the cores equal to each other).

Regarding the discussion of the definition of optimization. The Examine agrees that the process of optimization is not merely a manner of picking values. Calculations are performed to determine values that will produce the desired outcome. In many display devices calculations are performed in a laboratory setting for a single generic display and results are then encoded into permanent storage devices placed in mass produced display devices. The mass produced device then 'optimizes' it's performance by reading the predetermined values from storage. This practice removes the need of including a processor in each device to calcute the optimized solutions and is used as a money saving technique. In the case of the prior art, Someya sets a desired luminance (100%) and then calculates how to adjust each display core so that all blocks of the display achieve a corrected output without luminance shading at 100%. This calculation process sets all of the output blocks to operation values to reach a desired target. This is equivalent to the process of optimization descried within the Applicant's specification (paragraphs 92-95).

Regarding the discussion about adjusting display content being different from adjusting image data.

The Examiner respectfully disagrees.

It is common that the image data of an emissive display be encoded to contain the brightness and gamma correction information as part of the encoded image data. The image data directs a display device to emit light at a specific location for a specific duration to produce a pixel of light having a predetermined brightness (luminance). Gamma correction is also commonly included in the encoding of the image data that is transmitted to the emissive pixels. Standard broadcast encodings such as PAL and NTSB provide display content of brightness (luminance) and gamma correction as part of the image data. The adjustment of image data to change the luminance (brightness) as described by Someya is simultaneously adjusting the image content because the image data stores all of the necessary image content to produce a correct image. The Examiner finds that adjusting image the brightness of a individual pixel, adjusting the gamma corretion curve used by a entire display device, or similar adjustments to contrast of a display device will result in adjustments of the image data that is used by the display to produce the desired image. This is due to the encoding of brightness and gamma values as a part of the image data used by individual pixels for operation.